



Examiner: Michele C. Flood

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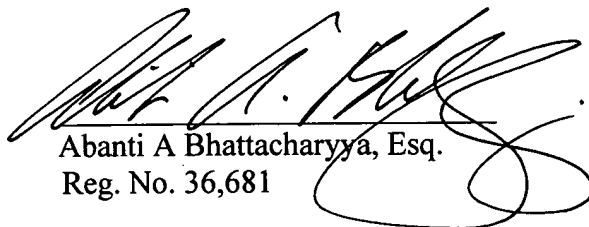
**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the last decision of the Examiner. Applicants had previously filed a Notice of Appeal on November 28, 2008, followed by an Appeal Brief on May 22, 2009. The Examiner reopened prosecution on November 16, 2009, and issued a Final Rejection on June 4, 2010. This Notice is being filed subsequent in response to the Examiner's Final Rejection. Applicants hereby respectfully request that the previously paid Notice of Appeal fee and Appeal Brief fee be applied to the filing of this Notice and subsequent Appeal Brief. No additional fees are needed in the filing of this paper. However, the Commissioner is hereby authorized to charge any fees that are required, as well as any additional fees that may be required, in connection with the filing of this paper, or credit any overpayment, to U.S. Army Medical Research and Materiel Command, Deposit Account Number 210380. Please send all correspondences to Ms. Elizabeth Arwine,

Esq.; Office of the Staff Judge Advocate; U.S. Army Medical Research and Materiel Command;
504 Scott Street; Fort Detrick, MD 21702-5012, Attn: MCMR-JA (Ms. Arwine). Please direct
any questions regarding this case to Ms. Abanti (Abby) Bhattacharyya, Esq., at (410) 964-9553.

Sincerely,

August 14, 2010
Date


Abanti A Bhattacharyya, Esq.
Reg. No. 36,681



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DETAILED ACTION

In view of the Appeal Brief filed on July 24, 2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Terry A. McKelvey/

Supervisory Patent Examiner, Art Unit 1655